

**SOUTH DAKOTA BOARD OF NURSING
AND SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS**

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IN THE MATTER OF THE
LICENSURE PROCEEDINGS

RE: MARCIA E. KEMPTON, CNP

License No. 0171

VOLUNTARY
SURRENDER
CONSENT ORDER

Licensee.

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WHEREAS, MARCIA E. KEMPTON, R.N. AND CNP ("Licensee"), is licensed to practice as a certified nurse practitioner in the State of South Dakota and holds License number 0171; and

WHEREAS, said Licensee was originally disciplined for practicing without a license and illegally prescribing controlled substances; and

WHEREAS, said Licensee admitted periodic further violations of the scope of her certified nurse practitioner practice by unlawful prescription practices since July of 1999; and

WHEREAS, said Licensee agrees that such conduct is inconsistent with the health or safety of persons entrusted to her care; and is a violation of SDCL § 36-9A-29(5),(9) and (10); and

WHEREAS, the South Dakota Board of Nursing and the South Dakota Board of Medical and Osteopathic Examiners have a statutory obligation to protect the public health, safety and welfare set forth in SDCL §36-9A, including the protection of the public from unsafe practices and practitioners; and

WHEREAS, Licensee agrees that these matters are of a nature that would constitute grounds for the discipline of her license to practice as a certified nurse practitioner in South Dakota under SDCL § 36-9A-29; and

WHEREAS, the Licensee agrees that this Agreement is entered into by her voluntarily and without duress or compulsion, in full understanding of the legal consequences of this document and her rights; now, therefore,

IT IS HEREBY STIPULATED THAT THE BOARDS MAY ENTER AN ORDER AS FOLLOWS:

1. That the Boards have jurisdiction over the person of the Licensee and the subject matter of this Stipulation.

2. That Licensee has admitted violations of the scope of her certified nurse practitioner practice by unlawful prescription practices since July of 1999; and such conduct is inconsistent with the health or safety of persons entrusted to her care; and are violations of SDCL § 36-9A-29(5),(9) and (10).

3. The Licensee has been given an opportunity to discuss this Stipulation and Order with an attorney of Licensee's choice, and is aware of Licensee's right to a hearing in this matter, and all rights under the United States and South Dakota Constitutions, laws, rules and/or regulations. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or any other rights under said Constitutions, laws, rules and/or regulations. Licensee also agrees that the Boards' Executive Secretaries or their designees may present this Stipulation to the Boards and disclose to the Boards all items of their investigation, including, but not limited to, any communications with Licensee.

4. That the Licensee's license to practice as a certified nurse practitioner in South Dakota shall be suspended for an indefinite period from the date of this Order. If the Licensee's license is ever reinstated, and it is specifically recognized that there is no guarantee or promise that the Licensee's license will ever be reinstated, Licensee shall be placed upon a probationary term for a period of such

years of employment as approved by the Boards at the time of reinstatement, under such terms of probation as approved by the Boards at the time of reinstatement.

5. Nothing in this Stipulation and Agreement should imply that the Licensee shall ever be reinstated. Licensee recognizes that the reinstatement terms, as well as the requirements for reinstatement are at the sole discretion of the Boards and will be considered if and when an application for reinstatement is ever filed..

6. Licensee shall return her current CNP renewal certificate to the Board of Nursing within ten (10) days of the signed date of this Order.

7. Licensee shall notify the Boards, in writing, within one (1) week of any change in employment, personal address and/or telephone number.

8. It is further stipulated and agreed that this Stipulation is being entered into voluntarily by the Licensee and without threats or coercion and is entered into after the Licensee has been given ample opportunity to consider these matters and to discuss this Stipulation with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Stipulation and of the Licensee's rights to a formal hearing on these matters, which rights are hereby waived by the signing of this Stipulation.

NOW, THEREFORE, the foregoing Voluntary Surrender Consent Order is entered into and is respectfully submitted to the Boards with the request that the Boards adopt its terms as an order of the Boards in the above matter.

Dated this 31 day of Dec, 1999.


MARCIA E. KEMPTON, R.N. AND CNP, Licensee

The South Dakota Board of Nursing meeting on the 3 day of February, ²⁰⁰⁰~~1999~~,
(approved)(rejected) the attached Voluntary Surrender Consent Order (as written)(with the following
modifications):

and issued its order consistent herewith as follows:

IT IS HEREBY ORDERED that the above Stipulation is adopted shown herein by the South
Dakota Board of Nursing this 3 day of February, ²⁰⁰⁰~~1999~~, by vote of
10-yes ; 0-no.

Diana VanderWoude
Diana Vander Woude, Executive Secretary

The South Dakota Board of Medical and Osteopathic Examiners meeting on the 8th day of
February, ²⁰⁰⁰~~1999~~, (approved)(rejected) the attached Voluntary Surrender Consent Order (as
written)(with the following modifications):

and issued its order consistent herewith as follows:

IT IS HEREBY ORDERED that the above Stipulation is adopted shown herein by the South Dakota Board of Medical and Osteopathic Examiners this 8th day of February, ~~1999~~²⁰⁰⁰, by vote of _____.



by L. Paul Jensen, Exec. Secretary